

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE: NEW YORK CITY
ASBESTOS LITIGATION

X
: NYCAL

008337

Christian F. Holinka,

Plaintiff(s), :

Oral Argument Requested

-against-

Index No. 114120/06

UAL 2

A. W. Chesterton Company, et al.,

Defendant.

NOTICE OF MOTION FOR YEAR 2006

SUMMARY JUDGMENT

45.00

TOTAL

45.00

CHECK

45.00

Honorable Helen E. Freedman

CONS CASHIER

DATE

TIME TERM

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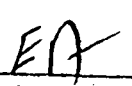
IAS PART 39

X

PLEASE TAKE NOTICE that upon the annexed affirmation of Julie R. Evans dated April 4, 2007, together with the pleadings and proceedings heretofore had herein, defendant, A.W.CHESTERTON COMPANY, will move this Court, the Supreme Court of New York, at I.A.S. Motion Submission Part, located at 60 Centre Street, New York, New York, Room 130, on the 2nd day of May, 2007 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order pursuant to CPLR 3212 granting summary judgment to defendant, A.W.CHESTERTON COMPANY, and dismissing plaintiff's Complaint and all claims and cross-claims against A.W.CHESTERTON COMPANY, and for such other and further relief as the Court may deem just and proper.

JUN 21 2007

COUNTY CLERK'S OFFICE
NEW YORK

SUPREME COURT STATE OF NEW YORK	
APPROVED	
I.A.S. MOTION SUPPORT OFFICE	
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 CLERK'S INITIALS	

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PLEASE TAKE FURTHER NOTICE that any papers in opposition to this motion must be served in accordance with CPLR 2214(b).

Dated: New York, New York
April 4, 2007

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

JULIE R. EVANS, ESQ.
Attorneys for Defendant
A.W.CHESTERTON COMPANY
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000
File No. 05335.32378

TO: Weitz & Luxenberg
180 Maiden Lane
New York, New York 10038

All Defendants

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----		x
IN RE:	NEW YORK CITY	: NYCAL
	ASBESTOS LITIGATION	
-----		:
Christian F. Holinka,		: Index No.: 114120/06
	Plaintiff(s),	: AFFIRMATION IN
	-against-	: SUPPORT OF MOTION FOR
		: <u>SUMMARY JUDGMENT</u>
A. W. Chesterton Company, et al.,		: Honorable
		: Helen E. Freedman
	Defendant.	: IAS PART 39
-----		x

JULIE R. EVANS, an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms and says:

1. I am a partner of the firm, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for defendant, A.W.CHESTERTON COMPANY This Affirmation is submitted in support A.W.CHESTERTON COMPANY's motion for summary judgment pursuant to CPLR 3212 and Section XVI of this Court's Amended Case Management Order dated September 20, 1996 based upon Plaintiff's lack of identification of exposure to any asbestos containing product for which A.W.CHESTERTON COMPANY bears legal responsibility.
2. Plaintiff CHRISTIAN F. HOLINKA alleges that he was exposed to asbestos containing products manufactured, distributed, sold or installed by defendant.

3. A review of all discovery to date does not reveal a basis for plaintiff to pursue this claim as against A.W.CHESTERTON COMPANY. Accordingly, A.W.CHESTERTON COMPANY is entitled to summary judgment dismissal of plaintiff's claims and all cross claims.
4. Pursuant to paragraph XVI of the Amended Case Management Order, this defendant asked plaintiff's counsel for a voluntary dismissal before bringing the present motion. To date plaintiff's counsel has not agreed to this dismissal. (See Exhibit A).
5. No prior application for the relief sought herein has been made to this or any other Court.

WHEREFORE, defendant, A.W.CHESTERTON COMPANY respectfully requests that this Court grant it's Motion for Summary Judgment and dismiss all claims and cross claims, and grant such other and further relief as this Court deems just and proper under the circumstances.

Dated: New York, New York
April 4, 2007

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

JULIE R. EVANS, ESQ.
Attorneys for Defendant
A.W.CHESTERTON COMPANY
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000
File No. 05335.32378

TO: Weitz & Luxenberg
180 Maiden Lane
New York, New York 10038

All Defendants

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 :SS
COUNTY OF NEW YORK)

ANN MARIE VIDA, being duly sworn, deposes and says:

Deponent is not a party to the within action, is over 18 years of age and resides in QUEENS, New York

That on the 5 of April, 2007 deponent served the within A.W. CHESTERTON COMPANY'S NOTICE OF MOTION FOR SUMMARY JUDGMENT MOTION AND ORDER upon:

Weitz & Luxenberg

180 Maiden Lane

New York, New York 10038

Co-Defendants
See attached rider

In this action, at the address(es) designated by said attorney(s) for that purpose of depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.


ANN MARIE VIDA

Sworn to before me this
5 day of April, 2007


NOTARY PUBLIC

ARLENE FRIED
Notary Public, State of New York
No. 01TA5081251
Qualified in Kings County 2007
Commission Expires June 30, 2009

RIDER

<p>Richard P. O'Leary, Esq. McCarter & English 245 Park Avenue, 27th Floor New York, NY 10167 Phone: (212) 609-6800 Fax: (212) 609-6921 Attorneys for: A.C. & S., Inc. GAF Corporation</p> <p>Judith Yavitz, Esq. Anderson, Kill & Olick 1251 Avenue of the Americans New York, New York 10020-1182 (212) 278-1000 Fax: (212) 278-1733 Attorneys for: Armstrong World Industries, Inc. United States Gypsum Company Dana Corporation National Gypsum Company Asbestos Claims Management Corp. Turner & Newall Industries Union Carbide Corp. CCR Defendants</p> <p>Robert C. Malaby, Esq. William Bradley, Esq. William T. Miedel, Esq. Cori L. Leavitt, Esq. Malaby & Carlisle, LLC 150 Broadway, Suite 600 New York, New York 10038 (212) 791-0285 Fax: (212) 791-0286 Attorneys for: A.P. Green Industries, Inc. Harbison Walker Refractories Co. J.H. France Refractories Co., Inc CBS Corporation f/k/a Westinghouse Electric Corp., Morse Diesel Construction Co. Inc. Morse Diesel Inc. Cooper Industries, Inc. Superior Boiler Works, Inc., Pulmosan Safety Equipment Corporation Groen, Inc. Cleaver Brooks Aqua-Chem, Inc.,</p> <p>Francis M. Leonard, Esq. Law Offices of Richard W. Babinecz 4 Irving Place</p>	<p>Saul Wilensky Michele F. Renna Esq. Lester Schwab Katz & Dwyer, LLP 120 Broadway New York, NY 10271-0071 (212) 964-6611 Fax: (212) 267-5916 Attorneys for: J.H. France Refractories Fulton Boiler; Case Corporation</p> <p>Laura Beth Hollman, Esq. McMahon, Martine & Gallagher 90 Broad Street 14th floor New York, New York 10004 Attorneys for: Eastern Refractories Co., Inc., Tishman Realty and Construction Co., Inc. Jason T. Cohen, Esq. Rob Kearney Flemming, Zulack & Williamson, LLP One Liberty Plaza, 35th Floor New York, New York 10006-1404 (212) 412-9500 (212) 964-9200 Attorney for: Crown, Cork & Seal & Company, Inc. Flintkote, Inc. PPG Industries Daimler Chrysler K&F Industries, Inc., Aircraft Braking Systems Corporation</p> <p>Lisa Pascarella, Esq. Pehlivanian & Braaten LLP Paynter's Ridge Office Park 2430 Route 34 P.O. Box 648 Manasquan, New Jersey 08736 Phone: (732) 528-8888 Attorney for: Ingersoll-Rand, Co., John Sore, Industrial Welding, Myles. F. Kelly, NJ Boiler Repair, Midco International, and Fromm Electric Pehlivanian & Braaten; Best Manufacturing Co.; General Cable Corp.; Nibco, Inc.; Robbins & Myers, Inc.; Chemineer, Inc.; Moyno, Inc.; Avon Products Avon Products, Inc.</p>	<p>John J. Kot, Esq. Barbara Packer-Rosen, Esq. Waters, McPherson, McNeil & Rosen 300 Lighting Way, 7th Floor P.O. Box 1560 Secaucus, New Jersey 07096 (201) 863-4400 Fax: (201) 863-2866, 1564 or 8978 Attorney for: ABB Lummus Crest, Inc. Turner Construction Company Plibrico Co. Weil-McLain Co., Inc., Patterson Kelly Division Lone Star Industries Serge Elevator Company</p> <p>Scott R. Emery, Esq. Lynch Daskal Emery LLP 264 West 40th Street New York, N.Y. 10018 Phone: (212) 302-2400 Fax: (212) 302-2210 The Goodyear Tire & Rubber Company Goodyear Canada Inc.</p> <p>Linda Yassky, Esq. Sonnenschein Nath & Rosenthal 1221 Avenue of the Americas New York, New York 10020 (212) 398-5297 Fax: (212) 398-5245 Attorneys for: Rapid-American Corporation</p> <p>Gerard D. Nolan, Esq. John Ronca, Jr. Esq. Ronca, McDonald & Hanley Five Regent Street-Suite 517 Livingston, New Jersey 07039 (973) 994-2030 Fax: (973) 994-2113 Attorneys for: New York Protective Covering Industries, Inc. Janos Industrial Insulation, Inc. Standard Insulation Safeguard Industrial Equipment York Industries Corporation</p> <p>Anna DiLorenzo, Esq. Weiner Lesniak LLP 888 Veterans Memorial Highway</p>
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<p>New York, New York 10003 (212) 460-3355 Fax: (212) 780-6483 Attorney for: Consolidated Edison Company of New York, Inc.</p> <p>Nancy Roux, Esq. Danaher, Tedford, Lagnese & Neal Capitol Place 21 Oak Street #700 Hartford, Connecticut 06106 Attorneys for: Pittsburgh Corning Corp. U.S. Mineral</p> <p>Art Bromberg, Esq. Weiner Lesniak LLP 629 Parsippany Road P.O. Box 438 Parsippany, New Jersey 07054-0438 Phone: (973) 403-1100 Fax: (973) 403-0010</p> <p>Marc R. Wilner Goldfein & Hosmer 5 Hanover Square, 21st Floor New York, New York 10004 (212) 791-0340 Fax (212) 791-0347 Attorneys for: Garlock, Inc.</p> <p>Thomas M. Canevari, Esq. Freehill, Hogan & Mahar 80 Pine Street NY, NY 10005-1759 Phone: (212) 425-1900 Attorneys for: Maritime Defendants K-Sea Transportation Corp., Great Lakes Dredge & Dock Co., Spentonbush Red/Star Companies, Inc. Buchanan Marine, Inc. P&O Nedlloyd Global Logistics, Inc. and P&O Nedlloyd Limited.</p> <p>Yvette Harmon, Esq. McGuireWoods LLP 1345 Avenue of the Americas, 7th Floor New York, New York 10105 (212) 548-2100 Fax: (212) 548-2150 Attorneys for: American Standard, Inc. ITT Industries, Inc.,</p>	<p>Bird Incorporated</p> <p>Jennifer H. Lin Winston & Strawn 200 Park Ave., 42nd Floor NY, NY 10166 Attorneys for: Whiting Corporation Swenson Process Equipment Evaporator, Inc.</p> <p>David M. Katzenstein, Esq. Charles McGivney, Esq. Chris Gannon, Esq. McGivney & Kluger, P.C. 23 Vreeland Road, Suite 220, Florham Park, New Jersey 07932 (973) 822-1110 Fax: (973) 822-1116 Attorneys for: John W. Wallace & Co. American Hardware & Paint Co. Sid Harvey Industries Burns & Roe Enterprises, Inc. Puerto Rico Safety Equipment Corp. Raritan Supply H.B. Fuller Durodyne Gerosa Inc. Avocet Enterprises, Inc., Courtier & Company Inc. Treadwell Aurora Pump Company</p> <p>Suzanne Halbardier, Esq. Barry, McTiernan & Moore 2 Rector Street – 14th Floor New York, New York 10006-1847 (212) 608-8999 Fax: (212) 608-8902 Attorneys for: Fulton Boiler Works, Inc., The Synkoloid Company Kolbelco Steward Bolling, Inc.</p> <p>Gregg J. Borri, Esq. 900 Third Avenue, Suite #1200 New York, New York 10022 (212) 980-8866 Fax: (212) 752-3196 Attorneys for: Georgia-Pacific Corporation</p> <p>William F. Mueller, Esq. Clemente, Mueller, Tobia, P.A. 218 Ridgedale Avenue P.O. Box 1296</p>	<p>Hauppauge, NY 11788 Ph: 631-232-6130 Fx: 631-232-6185 Attorneys for: Old Orchard Industrial Corp. (a/k/a Vapor Corp.) BMCE, Inc., (F/K/A/ United Centrifical Pumps) Robert A. Keasbey Co., The Okonite Co., Borg-Warner Eastco Industries Proko Industries</p> <p>Jan Michael Rykfogel, Esq. Andrew Sapon, Esq. Bivona & Cohen, P.C. Wall Street Plaza 88 Pine Street New York, New York 10005-1886 (212) 363-3100 Fax: (212) 363-9824 Bivonacohen@earhlink.com Attorney for: Thomas O'Connor & Co., Inc. Dykes Lumber Co., Inc. Taylored Industries, Inc. Aluminum Company of America Nathan Mezrahi R.V. Davies, Inc.,</p> <p>Jennifer W. Darger, Esq. Vincent A. Errante, Jr. Darger & Errante, LLP 116 East 27th Street, 12th Fl. New York, NY 10016 Phone: (212) 452-5300 Attorneys for: Flexitallic Gasket Company, Hobart Brothers Company The Lincoln Electric Company, Inc., & The BOC Group, Inc.</p> <p>O'Melveny & Myers LLP Citicorp Center 153 East 53rd Street New York, Ny 10022-4611 Attorneys for: Treadwell Corporation</p> <p>De Orchis, Walker & Corsa LLP 61 Broadway 26th Floor New York, NY 10006 Attorneys for: Farrell Lines Incorporated</p> <p>Edward P. Abbot Smith Abbot, LLP</p>
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<p>ITT Fluid Productions Corporation ITT Technology Corporation Weyerhaeuser Company</p> <p>Karen Ciano, Esq. DEBEVIOSE & PLIMPTON 875 3rd Ave. New York, NY 10022 Attorneys for: Owens Corning Fiberglass</p> <p>Steven Kramer, Esq. Michelle S. Regan, Esq. Lavin, O'Neill, Ricci, Cedrone & DiSipio 420 Lexington Avenue, Suite 2900 Graybar Building New York, New York 10170 (212) 319-6898 Fax: (212) 319-6932 Attorneys for: Minnesota Mining and Manufacturing Company Toyota Motor Sales, U.S.A., Inc. (s/h/a Toyota Motor USA Corp.) General Motors Corporation</p> <p>Arthur Lash, Esq. Taylor & Colicchio & Silverman, LLP 502 Carnegie Center, Suite #103 Princeton, New Jersey 08540 (690) 987-0022 Fax: (609) 987-1381 Attorneys for: Giamboi Bros., Inc.</p> <p>Kevin C. Tierney Tierney Law Offices 1125 Land Title Building 100 South Broad Street Philadelphia, PA 19110 (215) 790-2400 Fax: (215) 790-2409 Attorneys for: Guyon General Piping, Inc.</p> <p>John J. Fanning, Esq. Cullen & Dykman Bleakley Platt LLP 177 Montague Street Brooklyn, New York 11201-3611 (718) 855-9000 Fax: (718) 855-4282 Attorney for: Kewanee Boiler Co., Inc. Goulds Pumps, Inc.,</p>	<p>Morristown, New Jersey 07962-1296 (973) 455-8008 Fax: (973) 455-8118 Attorneys for: Durabla Manufacturing Company</p> <p>Robert A. Fitch, Esq. Newman, Fitch, Altheim, Myers, P.C. 305 Broadway NY, NY 10007 Attorneys for: Maritime Defendants</p> <p>John F. Parker, Esq. Mound, Cotton, Wollan & Greengrass One Battery Park Plaza New York, New York 10004-1486 Attorney for Ecolaire</p> <p>Jeffrey S. Berkowitz LeBoeuf, Lamb, Greene & MacRae, LLP 125 West 55th Street New York, New York 10019-5389 Phone: (212) 424-8000 Fax: (212) 424-8500 Attorneys for: United States Steel Corporation</p> <p>Donald E. Ward Special Claims Services, Inc. 809 Coshocton Avenue – Suite I Mount Vernon, Ohio 43050-1931 (740) 397-6700 Fax: (740) 397-6701 Attorneys for: Foster Wheeler Corporation</p> <p>Patrick J. Feeley, Esq. Dorsey & Whitney 250 Park Avenue New York, New York 10177 (212) 415-9200 Fax: (212) 953-7201 Attorneys for: Research- Cottrell, Inc.</p> <p>John V. Fabiani, Jr. Ann-Gail B. Hult, Esq. Fabiani & Cohen L.L.P. 570 Lexington Avenue, 4th Floor New York, New York 10022 (212) 644-4420 Fax: (212) 207-8182</p>	<p>Attorneys and Counselors at Law Three New York Plaza New York, NY 10004 (212) 613-0303 Attorneys for: The Budd Company Pneumo Abex Cooper Industries Inc., Eckel Industries, Inc.</p> <p>Cynthia Weiss Antonucci, Esq. Harris Beach & Wilcox, LLP 805 Third Avenue, 19th Floor New York, New York 10022 Phone (212) 687-0100 Fax (212) 687-0659 Attorneys for: Cochrane, Inc. /Crane Kentile Floors, Inc Paccar, Inc., Gardner Denver Xerox Corporation General Cable Corporation f/k/a Robbins & Myers Corporation Brandon Drying Products Crane Co. Crownlite Manufacturing Corp.</p> <p>Norman Senior, Esq. Greenfield Eisenberg Stein & Senior 600 Third Avenue New York, New York 10016 (212) 818-9600 Fax: (212) 818-1264 Attorneys for: Uniroyal, Inc.</p> <p>Richard P. Marin, Esq. Marin Goodman, LLP 40 Wall Street 57th Floor New York, New York 10005 (212) 661-1151 Fax: (212) 661-1141 Attorneys for: Keeler-Dorr-Oliver Boiler Company Geo V. Hamilton, Inc.,</p> <p>Quirk & Bakalor 845 Third Ave. New York, NY 10022 Attorneys for: Minnesota Mining Company Westinghouse Electric Corporation Weil McLain</p> <p>Elizabeth M. Young</p>
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<p>Spence Engineering Company, Inc., Leslie Controls, Inc., Hoke, Inc</p> <p>Kevin E. Hoffman, Esq. Kent & McBride, P.C. 420 Lexington Avenue Twenty Ninth Floor New York, NY 10170 Phone: (212) 588-9460 Fax: (212) 588-9818</p> <p>Attorneys for: Mooney Brothers Corporation National Boiler Works, Inc., Pennco, Inc.,</p> <p>Elisa Gilbert, Esq. Francis A. Montbach, Esq. Mound, Cotton, Wollan & Greengrass One Battery Park Plaza New York, New York 10004-1486 (212) 804-4200 Fax: (212) 344-8066</p> <p>Attorney for: George Fuller Co. Astel Hill</p> <p>Peter C. Langenus, Esq. Schnader Harrison Segal & Lewis LLP 140 Broadway, Suite 3100 New York, NY 10005-9998 (212) 973-8000</p> <p>Attorneys for: Dunham-Bush Cummins Engine Company, Inc. Philips Electronics North America Corporation Fort Kent Holdings, Inc., f/k/a Dunham-Bush, Inc.,</p> <p>Anthony J. Caruso, Esq. Picillo & Caruso 371 Franklin Avenue P.O. Box 570 Nutley, New Jersey 07110 (973) 667-8100 Fax: (973) 667-8200</p> <p>Attorney for: Combustion Engineering, Inc. ABB Lummus Crest, Inc. Ingersoll-Rand</p> <p>Kirsten A. Kneis Kirkpatrick & Lockhart Preston Gates Ellis LLP ("KL Gates") One Newark Center, Tenth Floor</p>	<p>Attorneys for: Thishman Liquidating Corporation</p> <p>Rob C. Tonogbanua Dickie, McCamey & Chilcote, P.C. Public Ledger Building Suite 901 150 South Independence Mall, West Philadelphia, PA 19106-3409 Phone: (856) 354-0192 Fax: (856) 354-8164</p> <p>Attorneys for: Tyco International (U.S.), Inc.</p> <p>Mary Jo Herrscher Feldman, Kieffer & Heman, LLP The Dun Building 110 Pearl Street, Suite 400 Buffalo, New York 14202 Fax: (716) 852-4253 (716) 852-5875</p> <p>Attorneys for: Oblebay Norton</p> <p>Russell A. Pepe, Esq. Harwood Lloyd, LLC 350 Fifth Avenue, Suite 3304 Empire State Building New York, New York 10118</p> <p>Attorneys for: Schiavone- Bonomolo Corp.</p> <p>James G. Bartolotto, Esq. Porzio, Bromberg & Newman, P.C. 156 West 56th Street, Suite 1902 New York, New York 10019-3800 Phone (212) 265-6888</p> <p>Attorneys for: Lac d' Amiante Du Quebec. Ltee,</p> <p>Stephen L. Dreyfuss Hellring, Lindeman, Goldstein & Siegal LLP One Gateway Center Newark, New Jersey 07102 (212) 567-1007 (973) 621-9020</p> <p>Attorneys for: Consolidated Engineering Company, Inc.</p> <p>Ian R. Grodman, Esq. Law Office of Ian R. Grodman, P.C. 515 Valley Street, Suite 170 Maplewood, NJ 07040</p>	<p>Aaronson Rappaport Feinstein & Deutsch, LLP 757 Third Avenue New York, N.Y. 10017 Ph: 212-593-6792 Fx: 212-593-6970</p> <p>Attorneys for: International Business Machines Corporation Hatzel & Buehler</p> <p>Marc E. Kasowitz, Esq. Kasowitz, Benson, Torres & Friedman LLP 1633 Broadway New York, NY 10019 (212) 506-1700</p> <p>Attorneys for: Maremont Corporation</p> <p>Stephen S. Davie Mackenzie Hughes LLP 101 South Salina Street PO BOX 4967 Syracuse, New York 13221-4967</p> <p>Attorneys for: Ray Oil Burner Company</p> <p>Heather Laschewer Steven Weiner Kaufman Borgeest & Ryan 99 Park Avenue, 19th Floor New York, New York 10016 Phone: (212) 980-9600 Fax : (212) 980-9291</p> <p>Attorney for: St. Clare's Hospital and Health Center Cypress Medical Products</p> <p>Marc Gaffrey Hoagland, Longo, Moran, Dunst & Douka 40 Paterson Street New Brunswick, NJ 08903</p> <p>Attorney for: Fisher Scientific Company</p> <p>Nancy Kelly Cetrulo & Capone LLP 20 Exchange Place 43rd Floor New York, New York 10005 Phone (212) 635-2230 Fax (212) 635-2239</p> <p>Attorneys for: NYCAL</p> <p>Lisa Linsky McDermott, Will & Emery LLP 340 Madison Avenue</p>
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<p>Newark, NJ 07102-5285 Phone: (973) 848-4134 Fax: (973) 848-4001 Kirsten.kneis@klgates.com Attorneys for: Citibank, N.A.</p> <p>Steven J. Loewenthal HPM&B 99 Park Avenue New York, New York 10016-1601 Phone: (212) 286-8585 Fax : (212) 490-8966 Attorneys for: Alstom Power, Inc.,</p> <p>Joseph G. Colao, Esq. Leader & Berkon LLP 630 Third Avenue #17 New York, New York 10017-6705 (212) 486-2400 Fax: (212) 486-3099 Attorneys for: IMO Industries, Inc. Monsanto Corporation</p> <p>John Horenstein, Esq. Condon & Forsyth LLP 7 Times SQ New York, New York 10036-6524 (212) 894-6750 Fax: (212) 894-6751 Attorneys for: M.W. Kellogg Company</p> <p>Wm. Lee Kinnally, Jr. Gibney, Anthony & Flaherty, LLP 665 Fifth Avenue New York, New York 10022-5305 Phone: (212) 688-5151 Fax : (212) 935-7892 Attorneys for: Grinnell Corporation</p> <p>Arthur G. Cohen Gordon & Silber, P.C. 355 Lexington Avenue, 7th Floor New York, New York 10017 Phone: (212) 834-0600 Attorneys for: American Biltrite, Inc., s/h/a American Biltrite, Individually and as Successor to Amtico Floors Corp.</p> <p>Daniel S. Moretti Landman Corsi Ballaine & Ford P.C.</p>	<p>Phone: (973) 313-2424 Fax: (973) 313-9712 File#: 1LNY Attorneys for: LIPE AUTOMATION CORP. Argo International Darcoid Company of California Mayer Malbin Company Rheem Manufacturing Company</p> <p>Nancy McDonald, Esq. McElroy, Deutsch & Mulvaney, LLP 1300 Mount Kemble Avenue P.O. Box 2075 Morristown, New Jersey 07 Phone: (973) 993-8100 Fax: (973) 425-0161 Attorneys for: Eaton Aeroquip, Inc. f/k/a Aeroquip Corporation</p> <p>Benjamin E. Haglund Day Pitney LLP 7 Times Square New York, N.Y. 10036-7311 Tel: 212-297-5800 Fax: 212-916-2940 Attorneys for: Phelps Dodge Industries, Inc.</p> <p>Russell A. Pepe, Esq. Harwood Lloyd, LLC 130 Main Street Hackensack, NJ 07601 Phone: (201) 487-1080 Fax: (201) 487-4758 Attorneys for: Motion Control Industries, Inc.,</p> <p>Michael P. Naughton, Esq. Brown Gavalas & Fromm LLP 355 Lexington Avenue New York, New York 10017 Phone: (212) 983-8500 Attorneys for: Eastern Aero Supply Elisa M. Pugliese, Esq. KeySpan 175 East Old Country Road Hicksville, New York 11801 Phone: (516) 545-4161 Fax: (516) 545-5029 Attorney For: KeySpan</p>	<p>New York, New York 10173-1922 Phone: (212) 547-5400 Fax : (212) 547-5444 Attorneys for: Honeywell International Inc., f/k/a AlliedSignal, Inc., as successor in Interest to the Bendix Corporation</p> <p>Michael T. Lewandowski Richard Fama, Esq. Cozen O'Connor 45 Broadway, 17th Floor New York, New York 10006 (212) 509-9400 Attorneys for: Goodall Rubber Company Hatzel & Buehler, Inc.</p> <p>Paul A. Scrudato Schiff Hardin & Waite 623 Fifth Avenue, 28th Floor New York, New York 10022-6831 Phone: (212) 753-5000 Attorneys for: Ballantyne of Omaha, Inc.</p> <p>Patrick J. Dwyer, Esq. Smith, Stratton, Wise, Heher & Brennan, LLP 2 Research Way Princeton NJ 08540 Phone: (609) 924-6000 Fax: (609) 924-6651 Attorneys for: Goodrich Company James D. Williams, Jr. Epstein, Becker & Green, P.C. 250 Park Avenue New York, New York 10177-1211 Phone: (212) 351-4500 Fax: (212) 661-0989 Attorneys for: Honeywell International as successor in interest to the Midland Ross Corp. Midland Ross Corporation</p> <p>Robert R. Rigolosi Segal McCambridge Singer & Mahoney, Ltd. 830 Third Avenue, Suite 400 New York, New York 10022 Phone: (212) 651-7500 Attorneys for: Garlock Sealing Technologies, LLC The Anchor Packing Company Fairbanks Morse Pump Corporation</p>
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<p>120 Broadway, 27th Floor New York, New York 10271-0079 Phone: (212) 238-4800 Attorneys for: Sequoia Ventures, Inc. f/k/a Bechtel Corporation</p> <p>Kevin T. Hughes Lord, Bissell & Brook LLP 885 Third Avenue, 26th Floor New York, New York 10022 Attorneys for: Lucas Automotive GMBH and Lucas Girling S.A.</p> <p>David P. Schaffer, Esq. Malaby, Carlisle & Bradley, L.L.C 150 Broadway, Suite 600 New York, New York 10038 Phone: (212) 791-0285 Attorneys for: Foster Wheeler L.L.C. and Foster Wheeler Energy Corp. Kewaunee Scientific Corp.</p> <p>Tyler Jay Lory Clausen Miller, P.C. One Chase Manhattan Plaza New York, New York 10005 Attorneys for: Scott Fetzer Company d/b/a Wayne Combustion Systems</p> <p>Frank. A. Cecere, Esq. Jon Ryan, Esq. Ahmuty, Demers & McManus 200 I.U. Willets Road Albertson, New York 11507 Phone: (516) 535-2407 Attorneys for: Connell Limited Partnership and Yuba Heat National Lighting Company, INC Tishman Construction Corporation</p>	<p>Christopher Hannan, Esq. Kelley Jasons McGowan Spinelli & Hanna, LLP 120 Wall Street, 30th Floor New York, NY Phone(212) 344-7400 Attorneys for: FMC Corporation</p> <p>Christina S. Zirpoli Morrison Mahoney LLP, 17 State Street, Suite 1110, New York NY 10004 Attorneys for: Zemex Corporation Suzorite Mineral Products</p>	<p>Fairbanks Morse Engine Cummins Inc. s/h/a Cummins Engine Company, Inc., Greene, Tweed & Co. BW/IP, Inc.</p>
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SECRET

Exhibit A



WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

150 E. 42nd Street, New York, New York 10017 Tel: (212) 490-3000 Fax: (212) 490-3038

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains
Affiliates: Berlin • Cologne • Frankfurt • Munich • Paris*

www.wilsonelser.com

March 26, 2007

Benjamin Darche, Esq.
Weitz & Luxenberg, P.C.
Attorney for Plaintiff
180 Maiden Lane
New York, N.Y., 10038

Re: **May 2007 In- Extremis Trial Cluster**
Christian Holinka
Joseph Saccomano
Our File No: 05335.00001

Dear Mr. Darche:

We have reviewed all discovery in the above referenced matters and do not find any basis for plaintiffs to pursue these claims as against defendant A.W. Chesterton.

Accordingly we take this opportunity to request that you sign the enclosed No Opposition Summary Judgment Motions and Orders in favor of defendant A.W. Chesterton and return copies to our office. Should you decline to sign the orders please advise as to the basis of plaintiffs' claims against A.W. Chesterton.

If you have any questions please do not hesitate to contact us.

Sincerely,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Ann Marie Vida

Enclosures
cc: All Co-Defendants

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- x
IN RE NEW YORK COUNTY
ASBESTOS LITIGATION

NYCAL
I.A.S. Part 39
(Freedman, J.)

----- x
This Document Relates To:

Index No: 114120/06

Christian Holinka

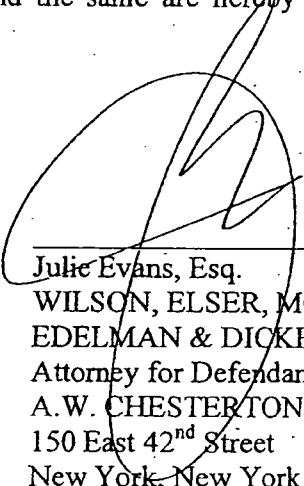
**NO OPPOSITION
SUMMARY
JUDGMENT
MOTION AND
ORDER**

----- x
WHEREFORE, defendant **A.W. CHESTERTON COMPANY** hereby requests summary judgment in the above-entitled case, pursuant to Civil Practice Law and Rules Section 3212, dismissing plaintiff's complaint against defendants **A.W. CHESTERTON COMPANY** with prejudice, and there being no opposition thereto,

ORDERED, that upon notice to all co-defendants, all claims and cross claims against defendants **A.W. CHESTERTON COMPANY**, be and the same are hereby dismissed with prejudice and without costs.

Dated: New York, New York
March 26, 2007

Benjamin Darche, Esq.
Weitz & Luxenberg
Attorney for Plaintiff
180 Maiden Lane
New York, NY 10038



Julie Evans, Esq.
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorney for Defendant
A.W. CHESTERTON COMPANY
150 East 42nd Street
New York, New York 10017
212-490-3000
File No. 05335.32378

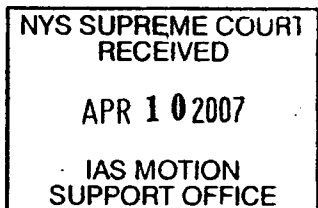
SO ORDERED, _____
Hon. Helen E. Freedman

Index No.

Julie Evans, Esq.
05335.00001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In Re: New York Asbestos Litigation



NOTICE OF MOTION FOR SUMMARY JUDGMENT

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

Attorneys For A.W. CHESTERTON COMPANY

Office & Post Office Address, Telephone
150 EAST 42ND STREET
NEW YORK, NEW YORK 10017-5639
(212) 490-3000
